

Filed for intro on 01/21/95
House Bill _____
By _____

Senate Bill No.SJR0022
By _____

A RESOLUTION relative to the states' constitutional authority to regulate traffic and motor vehicle safety within their respective boundaries.

WHEREAS, The Tenth Amendment to the U.S. Constitution, part of the original Bill of Rights, reads as follows, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."; and

WHEREAS, the limits on Congress' authority to regulate state activities prescribed by the Tenth Amendment have gradually been eroded and federal mandates to the states in these protected areas have become almost commonplace; and

WHEREAS, the regulation of traffic and motor vehicle safety laws are constitutionally the province of state, not congressional, authority; and

WHEREAS, a recently imposed federal mandate would reduce the apportionment of federal highway funds to states which have not enacted statutes requiring the use of helmets by motorcyclists and the use of safety belts by drivers and front seat passengers in automobiles by September 30, 1993; and

WHEREAS, while the state's goals of such federal mandate, to reduce highway fatalities and injuries through increased use of motorcycle helmets and safety belts, are certainly praiseworthy, it is the opinion of the General Assembly that the passage of such

legislation by the U.S. Congress is a blatant transgression upon the states' regulatory authority under the Tenth Amendment; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, That this General Assembly most fervently urges the U.S. Congress to repeal the federal mandate established in Sec. 153 of the Federal Intermodal Surface Transportation Efficiency Act of 1993, codified at 23 U.S.C. Section 153, which mandates the passage of states' laws requiring the use of motorcycle helmets and safety belts.

BE IT FURTHER RESOLVED, That this resolution be forwarded to the Speaker of the U.S. House of Representatives, the President pro tempore of the U.S. Senate and to each member of the Tennessee Congressional Delegation urging them in the performance of their elected responsibilities to protect and strengthen the position of the states in the federal union, avoid intrusion upon state prerogatives and afford protection to the proper governing authorities of the states.